

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**NOTICE OF APPEAL AND REQUEST
FOR EXTENSION OF TIME UNDER 37
C.F.R. §1.136(a)**

Docket Number
13758/1

Confirmation Number
9481

Application Number
10/581,516

Filing Date
December 13, 2006

Examiner
S. MACAULEY

Art Unit
1651

Invention Title
**TABLE OLIVES CONTAINING PROBIOTIC
MICROORGANISMS**

Inventor(s)
P. LAVERMICOCCA et al.

Address to:
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being electronically
transmitted to the United States Patent and Trademark Office via the
Office electronic filing system on December 9, 2009.
Signature: /Helen Tam/
Helen Tam

S I R:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner made in the Final Office Action for the above-identified application dated June 10, 2009, finally rejection claims 1 and 5.

This Notice of Appeal is being filed concurrently with an Amendment in response to the Final Office Action mailed June 10, 2009.

Applicants request a **three-month** extension of time to respond to the Final Office Action mailed June 10, 2009, resetting the response date to December 10, 2009. The required three-month extension of time fee of **\$1,110.00** and Notice of Appeal fee of **\$540.00** are being paid by credit card.

The Commissioner is also authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. **11-0600**.

Dated: December 9, 2009

By: /Carmella L. Stephens/
Carmella L. Stephens
Reg. No. 41,328

KENYON & KENYON LLP
One Broadway
New York, N.Y. 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)
CUSTOMER NO. 26646